The meeting was called to order at 11.20 a.m.

DRAFT REPORT OF THE COMMITTEE (NPT/CONF.IV/MC.III/L.1 and Add.1 and 2)

The CHAIRMAN invited the Committee to consider the draft report, which was the outcome of discussions held in the open-ended drafting group, where good progress had been made and agreement reached on many important matters. The President of the Conference had expressed satisfaction at the progress made by Main Committee III and the hope that the latter would be able to approve its draft report at the current meeting.

After drawing attention to a number of editorial additions and amendments; and in the absence of any observations on the part of members of the Committee, he said he would take it that the Committee accepted the technical part of the draft report, as contained in paragraphs 1-6. He then invited the Committee to consider the section of the draft report relating to formulations for the Final Declaration of the Conference.

Mr. HADDAD (Syrian Arab Republic) said that his delegation's approval of the draft report must remain tentative until the Committee members' views had been made clear on all substantive items.

Mr. SOLTANIEH (Islamic Republic of Iran) said that his delegation appreciated the Chairman's efforts towards achieving consensus adoption of the Committee's draft report. The developing countries party to the NPT had worked in a spirit of unstinting co-operation and consensus on all subjects, including the question of South Africa and Israel. But a lack of co-operation on the part of a few delegations, including those of certain nuclear Powers, had made it impossible to settle all outstanding questions. His delegation appealed for one more informal effort, with a view to the adoption in plenary meeting of the Final Declaration in its entirety.

The CHAIRMAN said he felt sure that all members of the Committee had striven to reach a consensus. He invited the Committee to consider the draft formulations item by item. In that connection, a text had just been circulated to the members of the Committee in respect of item IX; that item, therefore, would be considered last of all.

I. Inalienable rights and fullest possible exchange

II. Supply assurances/non-proliferation assurances

The CHAIRMAN noted that the Committee had no comments relating to the texts of items I and II.

III. Promotion and financing of nuclear power

Ms. MAEGAARD-NIELSEN (Denmark), referring to paragraph 2, said that, since many environmental problems associated with the use of nuclear power remained unsolved, her delegation was in no position to accept wording which implied the use of nuclear power. It would prefer the words "the area of promotion and financing of nuclear power" to be replaced by "the field of nuclear energy"; it also felt that, in the second and sixth lines in the English text of paragraph 3, the word "power" should be replaced by "energy".

Mr. STOIBER (United States of America) strongly urged that the text of paragraph 2 should be left as it stood; he saw no difficulty with the wording, since the call for full co-operation was addressed to all States parties "in a position to do so". The text of paragraph 3 was a statement of fact; it was incontrovertible that IAEA did provide assistance in the development of nuclear power.

Mr. TALIANI (Italy) said that his delegation, though it too saw some difficulty with the text of paragraph 2, could accept it, especially if the Committee could agree to add the words "if requested". The text of paragraph 3 seemed more satisfactory, since the words "upon request" were contained in the second sentence; it might be an improvement to add, in the first sentence, the word "interested" before "developing States".

The CHAIRMAN said he felt that the United States representative's observations fully reflected the drafting group's approach, and that adoption of the Danish delegation's proposal might alter the text's main thrust. He suggested, therefore, that the text could be left as it stood, the relevant observations being noted in the summary record of the meeting.

Mr. ALER (Sweden) said he appreciated the point made by the delegation of Denmark; his own delegation, too, found some difficulty with that and other parts of the text. However, mindful of the intense efforts which had gone into the drafting, he was prepared to follow the Chairman's suggestion.

Ms. MAEGAARD-NIELSEN (Denmark) said that it was not her delegation's intention to block the consensus on the Committee's report.

The CHAIRMAN said that, on that understanding, he took it that the Committee had no objection to the text as it stood.

IV. Nuclear safety, radiation protection and radioactive waste management

V. Technical assistance

VI. United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy

VII. Sustainable development and environmental perspective

VIII. Attacks on nuclear facilities

The CHAIRMAN said he noted that the Committee had no comments in relation to items IV-VIII.

X. Review of article V

Mr. PARK (Republic of Korea) said that the Final Declaration should be comprehensive in scope and apply to all possible cases. Therefore, his delegation proposed the addition of a third paragraph to item X, reading:

"The Conference also notes the potential nuclear-weapon capability of a State party to the Treaty, where the nuclear facility is not safeguarded".

Mr. SMITH (United Kingdom) said that his delegation, and doubtless some others, shared the concern which underlay the previous speaker's proposal. On the other hand, he doubted whether the text of the item in question was the best place in which to express it. In any case, it seemed that the matter was being considered in one of the other Main Committees. Again, the text as it stood was the outcome of thorough consideration aimed at achieving a careful balance, which any further amendment might upset. He hoped that the delegation of the Republic of Korea would not insist on amending the text and that the point raised could be duly reflected in the summary record.

The CHAIRMAN said that in view of the fact that item X dealt with a review of article V of the Treaty, the point raised by the Republic of Korea was not relevant to that item.

Mr. JACOBY (Canada) said that he agreed with the representative of the United Kingdom. While the point made by the Republic of Korea was valid, it did not belong under item X. Perhaps the proposal could be taken up when the Committee considered item IX, where it might be more relevant. In any event, the issue was not the potential nuclear-weapon capability of a State party to the Treaty, but rather whether that State party represented a threat to the peaceful use of nuclear energy.

Mrs. BATACLAN (Philippines) said that her delegation wished to associate itself with the statement by the representative of Canada.

The CHAIRMAN said if he heard no further comments, he would take it that the Committee had no objections to item X as it stood.

XI. Review of article IX

Mr. JACOBY (Canada) said that, with respect to paragraph 3 of item XI, informal dialogue between the States party to the Treaty and States not party to the Treaty had been going on for many years and would surely continue in the future. Consequently, he wondered whether the word "initiation" in the first line was appropriate.

Mr. SAHBOUN (Libyan Arab Jamahiriya) said that while the efforts of the Chairman and other delegations to reach consensus were greatly appreciated, some points of disagreement remained. Therefore, the acceptance by his delegation of the sections under consideration was only provisional, pending approval of the entire text.

The CHAIRMAN said that in the absence of further comments, he would take it that the Committee had no objection to item XI.

Item IX

At the invitation of the CHAIRMAN, Mr. MGOKWERE (Nigeria) read out the following proposed text for item IX:

"The Conference notes that the unsafeguarded nuclear programmes of non-nuclear-weapon States not party to the NPT, in particular South Africa and Israel, represent a threat to the peaceful uses of nuclear energy under article IV. The Conference affirms its desire to see such nuclear programmes directed to peaceful purposes in conformity with article IV by the adherence of these States to the NPT and their acceptance of full-scope IAEA safeguards. The Conference notes the demands made on all States to suspend any co-operation which would contribute to the nuclear programme of South Africa and Israel."

He pointed out that, within the working group which had elaborated the text, the following questions had been considered: whether Main Committee III was the appropriate forum in which to consider that particular issue, and whether specific countries should be mentioned in the text. There had been general agreement that attention should be focused on the peaceful uses of nuclear energy, which would avoid an overlap with the work of the other Main Committees in the same area. The working group believed that the text had given due consideration to all the views expressed, and recommended it for acceptance by the Committee.

Mr. STOIBER (United States of America) said that, having participated in the informal consultations on the text, his delegation appreciated the spirit of co-operation that had been demonstrated. However, while it represented substantial progress towards language which would be acceptable to all, the text as it stood did not meet all the concerns of his delegation. The question of the peaceful uses of nuclear energy certainly belonged in the final report of the Committee. However, the paragraph under consideration singled out only two of the threshold States which gave cause for concern. His delegation was equally concerned about the activities of States which had not been mentioned. Perhaps the text should be forwarded for review to the Drafting Committee, which could then ensure that the language was consistent with the corresponding texts submitted by the other Committees.

Mr. SMITH (United Kingdom) endorsed the statement by the representative of the United States of America. His delegation was also concerned about the lack of balance in the text. It would not be opposed to fowarding the text, as it stood, to the Drafting Committee.

Mr. SOLTANIEH (Islamic Republic of Iran) said that unless agreement could be reached on every section, the report should not go to the Drafting Committee as representing the Committee's final report.

It was quite logical to single out South Africa and Israel, since only those two States had ignored the many international resolutions and declarations calling for co-operation with IAEA vis-à-vis nuclear safeguards. The fact that South Africa and Israel were mentioned specifically would put pressure on them to comply with those safeguards. If there were other States not party to the Treaty which had demonstrated a similar lack of commitment to those regulations, his delegation would be glad to name them specifically. Finally, he urged all delegations not to block consensus on the text under consideration.

Mrs. EL TALLAWI (Egypt) pointed out that Israel and South Africa had already been singled out on many occasions, in resolutions adopted by the United Nations General Assembly and the IAEA General Conference. Like many others, her delegation was concerned about the unsafeguarded nuclear programmes of non-nuclear-weapon States not party to the NPT. For that reason, it had agreed, in a spirit of compromise, to the wording "in particular South Africa and Israel", implying that there were in fact other

States involved. Her delegation could not accept a less strong wording. If other States were singled out elsewhere, her delegation would be willing to mention them. She hoped that the delegations who were opposed to the text under consideration would join the consensus.

Mr. HADDAD (Syrian Arab Republic) said that the text which had been considered by the Committee on the previous day was the same as that adopted by consensus at the Third Review Conference in 1985. It was regrettable that the United States, which had joined the consensus on that decision, now wished to change the text. His delegation was satisfied with the text as adopted in 1985. Neither Israel nor South Africa had ever taken any effective steps towards accepting the NPT or complying with agreements on global safeguards and guarantees. Had they done so, his delegation would not insist on maintaining the 1985 version of the text. Moreover, after 1985, new factors had come to light which made that version even more compelling. A reputable British newspaper had published a statement by an Israeli nuclear technician to the effect that Israel had a nuclear arsenal of more than 100 bombs. The accuracy of that statement had been confirmed by a celebrated British nuclear scientist. Israel's nuclear capability was well known. In addition, it had an arsenal of intercontinental missiles. Consequently, it represented a threat to all the Arab countries and possibly even to many Asian and European countries.

In singling out Israel and South Africa, the text was consistent with many resolutions adopted by the General Assembly, the Security Council and IAEA. The reasons were known to all: those two countries were racist and expansionist and had no trust in the United Nations, and posed a threat to world peace and security. In contrast, there were no resolutions which referred to the threat posed by the nuclear capabilities of India or Pakistan. If the United States was concerned about such a danger, it should submit a draft resolution to that effect to the General Assembly, the Security Council or the IAEA General Conference.

His country, which had hoped to adopt a text similar to that adopted in 1985, was willing to accept the text under consideration. If the United States insisted on blocking the consensus, his delegation would interpret that action as a deliberate attempt to deadlock the Committee, undermining the spirit of compromise which had prevailed up to that point.

Mr. TILEMANN (Australia) said that the Committee's draft report represented a substantial achievement and reflected favourably on the serious commitment of the Committee members. With respect to the text currently under consideration, he pointed out that the situation had changed considerably since 1985 and, consequently, a new text was in order. Not only had the threat of nuclear proliferation changed in character, but the attitudes of States party to the Treaty had changed with respect to various questions concerning the supply of nuclear technology and equipment. Singling out two States was discriminatory since the problem of unsafeguarded nuclear facilities existed in a number of threshold States. As a possible solution, he suggested that the words "in particular" in the first sentence should be replaced by the word "including". His delegation agreed that the text as it stood might be forwarded to the Drafting Committee with the remainder of the report.

Mr. WAYARABI (Indonesia) urged delegations to bear in mind that the issue under consideration was a highly sensitive one for the majority of the parties to the Treaty, and would have an impact on the future work of the Fourth Review Conference and that of other forums as well. He pointed out that the nuclear capabilities of South Africa and Israel had been mentioned specifically several times in the Final Declaration of 1985. Indeed, all the previous Final Declarations had singled out those two countries, as had several General Assembly resolutions. Those actions had been taken in response to concern expressed by the countries in regions bordering South Africa and Israel.

His delegation hoped that a consensus text could be arrived at, failing which it would associate itself with the view of the non-aligned parties to the Treaty.

Mr. VERBEEK (Netherlands) said that he was in favour of sending the text being discussed to the Drafting Committee for consideration in the light of the problems found by the other Main Committees. His delegation was not entirely satisfied, however, with the wording of the text, which was insufficiently balanced. While it was true that Israel and South Africa had been singled out in United Nations resolutions and those of other organizations, some of those resolutions had also been insufficiently balanced. To improve the text, his delegation proposed that the word "weapons" should be inserted in the last sentence so that it would read "... any co-operation which would contribute to the nuclear weapons programme of South Africa and Israel".

Mr. HILALE (Morocco) said that he was surprised that a consensus had not so far been reached with regard to the nuclear programmes of States which were not parties. While specific mention had been made of South Africa and Israel in United Nations resolutions and those of other major international organizations, there had been no such mention of other non-parties, although individual countries might well have produced reports or resolutions of their own reflecting their concerns regarding other non-parties for quite legitimate reasons. He said that no one denied the threat that the nuclear programmes of South Africa and Israel posed to their neighbours. For 20 years, all African countries, with the exception of South Africa, had been calling for their continent to be denuclearized. The Middle East continued to be a highly volatile area because of Israel's refusal to adhere to repeated calls by the United Nations for the area to be denuclearized. It was clear therefore that the item under consideration merely reiterated concerns which had been expressed in the reports of the previous three Review Conferences and which were now even greater owing to the increased evidence regarding the nuclear programmes of those two States.

In the current international climate, attempts were being made to raise the credibility of the United Nations and to ensure the universal implementation of the Organization's resolutions. His delegation hoped that IAEA could contribute to that objective by referring to United Nations resolutions and, in particular, those which stated that the nuclear programmes of South Africa and Israel posed a threat not only to their respective regions, but also to the non-proliferation régime itself.

Mr. MGOKWERE (Nigeria) thanked the delegations of Australia and the Netherlands for their constructive proposals. The fact that something had been said in the 1985 report was, he agreed, insufficient grounds for repeating it in the 1990 report. It was for that reason that the original text had been significantly modified. His delegation, like others, believed that since the United Nations and IAEA had specifically referred only to South Africa and Israel in the past, there were grounds for mentioning only those two States. He urged those delegations which opposed the naming of the two States to take into account the fact that the text under consideration was not as strongly worded as that of the 1985 report.

Mr. JACOBY (Canada) said he had hoped for a consensus on the issue, but realized that a sensitive area was involved. Considerable progress had however been made in the morning's informal discussions on the text, which situated the problem in the context of the peaceful uses of nuclear energy under article IV and urged non-parties to rectify the situation. While his delegation would have preferred not to name countries specifically - since South Africa and Israel were not alone in that category of States - it was prepared to accept that they should be named in the interests of compromise, bearing in mind that the original text had been toned down and that a similar text had been approved in the 1985 report. He added that his delegation could support the Australian proposal that "in particular" should be replaced by "including", if that produced a broader consensus.

Mr. ANGUIANO (Mexico) thanked delegations for their efforts to reach consensus on an important and complex issue. Since all delegations would have another opportunity to discuss the Committee's report after it had been integrated in the Final Declaration by the Drafting Committee, he proposed that the report should be sent to the Drafting Committee with an indication as to which parts of the report had been agreed on in principle.

Mr. NEFEDOV (Union of Soviet Socialist Republics) thanked delegates for their efforts to reach a compromise solution. He said that the text under consideration reflected the viewpoints of all the countries involved in the informal discussions. While many of the members of the Committee agreed that the wording was not perfect, it was nevertheless a more or less balanced text, and his delegation was therefore in favour of accepting it and submitting it with the remainder of the report to the Drafting Committee, with a minor grammatical change to the last line to read "the nuclear programmes of South Africa and Israel".

Mr. HADDAD (Syrian Arab Republic) said that his delegation could not accept the proposed replacement of "in particular" with "including", nor the Netherlands proposal that the text should refer to "nuclear weapons programmes". The former was unacceptable as it would put countries involved in only minor nuclear activities on an equal footing with those conducting large-scale nuclear activities. The latter was unacceptable as previous IAEA resolutions had not referred to nuclear weapons programmes; moreover, it was well known to be very difficult to separate general nuclear programmes from nuclear weapons programmes.

The CHAIRMAN observed that, while much progress had been made on the issue during informal contacts, agreement had not yet been reached on the final language to be used. He pointed out to the members of the Committee that they would have another chance to discuss all the problems when the full report was considered by the Conference plenary. It was his hope that, as in the case of the 1985 Review Conference, a consensus could be reached on the issue in the Final Declaration. He urged members of the Committee to continue their efforts to reach a consensus, but proposed that the practice used in 1985 could be followed by placing before the disputed paragraph the words: "The Committee was unable to reach a consensus on the following paragraph:". That would be followed by the original text proposed by Nigeria, since the text was still the subject of negotiations.

Mr. SOLTANIEH (Islamic Republic of Iran) said that since the delegations blocking the consensus against the will of the majority had done so on the grounds that the situation had changed since 1985, the Chairman's suggestion of using the same procedure as in 1985 was not necessarily advisable. His delegation could not accept the submission of the report to the Drafting Committee if the problems surrounding item IX were ignored. As a compromise solution, he suggested that the Committee should adjourn for informal consultations and resume that afternoon. His delegation, like others, would not be satisfied if only part of the Committee's mandate was reflected in the report. The alternative was that a compilation of the standpoints of all delegations regarding the report in its entirety should be submitted to the Drafting Committee.

Mr. MGOKWERE (Nigeria) supported the proposal that the meeting should be adjourned for informal consultations.

The CHAIRMAN said that that would unfortunately be impossible since conference facilities would not be available. He believed, like most delegations, that talks could continue informally on the issue, but they could take place after the Committee had concluded its final meeting, since there would be enough time before the Conference reviewed the final document. He suggested that paragraph 7 of the introductory part of the report should be reworded to read: "The Committee considered at its fifth meeting the following formulations for the Final Declaration of the Conference. However, due to disagreement on item IX, the Committee was unable to adopt it as a whole."

The meeting was suspended at 1.05 p.m. and resumed at 1.25 p.m.

Mr. WAYARABI (Indonesia) said that an understanding had been reached among delegations of the non-aligned group, who wished to propose the following new wording for paragraph 7:

"The Committee considered at its fifth meeting the following formulations for the Final Declaration of the Conference. However, due to disagreement on item IX, the Committee was unable to reach a consensus on the report as a whole."

In reply to a question from the CHAIRMAN, Mr. WAYARABI (Indonesia) agreed that that wording could be interpreted as meaning that the Committee had failed to reach consensus on the technical part as well as on the substantive part of the report. His proposed solution would mean that the debate could be reopened by any delegation when the draft report reached the next stage of consideration. He believed that that practice had already been established in Conference negotiations. However, given that part of the report had already been fully discussed, he did not think that it would be difficult to adopt the report. The text to be used for item IX should be the original text proposed by the delegation of Nigeria, as amended by the representative of Egypt, with specific mention made of South Africa and Israel, reading as follows:

"The Conference expresses great and serious concern about the nuclear capability of South Africa and Israel and that the development of such a capability by South Africa and Israel would undermine the credibility and stability of the non-proliferation Treaty régime.

"The Conference notes the demands made on all States to suspend any co-operation which would contribute to the nuclear programme of South Africa and Israel. The Conference further notes the demands made on South Africa and Israel to accede to the NPT, to accept IAEA safeguards on all their nuclear facilities and to pledge themselves not to manufacture or acquire nuclear weapons or other explosive devices."

The CHAIRMAN said that, since the use of the words "report as a whole" proposed by the representative of Indonesia implied that paragraph 7 itself had not been agreed upon, the proposed amendment should read "... was unable to adopt the substantive part of the report as a whole".

Mr. SOLTANIEH (Islamic Republic of Iran) proposed that, in order to clarify the situation, the word "following" should be inserted, so that the final part of the sentence would read "adopt the following substantive part of the report as a whole".

Mr. JACOBY (Canada) said that, although in the interests of consensus the proposed solution might have to be sufficient, he wished to point out that much progress had been made in the informal discussions regarding item IX and that no delegation had said that it wished to block the language of the revised version, although some had reservations in that regard. It would therefore be regrettable to return to the language of the original text produced by the delegation of Nigeria. His delegation therefore favoured the use of the text read out by the representative of Nigeria at the current meeting.

The CHAIRMAN said that the view of the Canadian delegate would be recorded, but he did not think that that proposal would produce a consensus. However, he urged delegations to continue to work towards a consensus on item IX. The Committee's consideration of the report was therefore concluded. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work.

The meeting rose at 1.40 p.m.